



OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE MAYOR AND CITY COUNCIL

DATE: October 21, 2005

REPORT NO.: 05-11

SUBJECT: RECORDING, WRITING AND VOTING ON MINUTES FOR CITY COUNCIL
AND COMMITTEE MEETINGS

ISSUE

The Office of the City Clerk has been asked to come before the Government Efficiency & Openness (GE&O) Committee to present information regarding the official process for recording, writing and voting on minutes for both City Council and Committee Meetings.

SUMMARY

City Council Meetings

Recording

Equipment & Staffing Requirements

Four City Clerk Legislative Recorders, on a rotating basis, attend City Council meetings to record the meetings on CD-ROM using a laptop computer. The Recorder captures the motion, motion maker and second to the motion, vote, directions given to staff, referrals, Non-Agenda Comments, Council Comments and the names of those who give public testimony for noticed hearings.

Writing

Results Sheets

The Legislative Recorders prepare the Council Meeting Results Sheet (Attachment 1) which contains the final disposition of each item on the Docket. In addition to the final disposition, the Results Sheet also includes the motion maker, second to the motion, final vote taken for each item, as well as Non-Agenda Comments and Council Comments. Distribution of the Results Sheet is sent electronically to the Mayor and Council as well as City staff who have requested it, on the following timeline:

Monday Council Meeting	by 10:00 a.m. on the following day
Tuesday A.M. Council Meeting	by 3:00 p.m. Tuesday afternoon
Tuesday P.M. Council Meeting	by 10:00 a.m. on Wednesday morning

Although the Results sheet has traditionally been an internal document, the Office of the City Clerk is working with the City's Information Technology group to upload the document to the City Clerk Website so it can be accessed by members of the public.

Minutes

Due to the fact that the City's Municipal Code contains no specific direction for the form or format of minutes, the Legislative Recorders prepare motion-driven minutes following the guidelines as described in Robert Rules of Order (per Municipal Code Section 22.0101, Rule 2, *Parliamentary Procedure*).

The minutes reflect all motions made, the motion maker and second to the motion, as well as the vote (see Attachment 2 for the Roberts Rules guidelines). It is important to note that the minutes reflect the motions made and not the discussion or comments of the Council Members.

The Legislative Recorder extracts any directives given to staff during the discussion of the items by using form CC-17, the City Clerk Route Slip (Attachment 3), which is electronically sent to the City Manager's Office. The directive is then forwarded to the correct department or Committee Consultant Assistant as appropriate.

Voting

The minutes are listed on the Council Docket under Special Order of Business for a vote by Council, approximately four to five weeks following the Council meeting.

Roberts Rules of Order states that it is generally "smoother" to do the approval of the minutes by unanimous or common consent. A specific motion is generally not necessary (see Attachment 4) unless there has been a dispute over the accuracy of the minutes. It is generally the practice of the City Council, however, to entertain a motion for approval of the minutes listed on the agenda. The votes are taken by yeas and nays as stated in City of San Diego City Charter Article III, Section 13 (Attachment 5).

The City Charter states that the affirmative vote of a majority of members elected to Council (five affirmative votes) shall be necessary to adopt any ordinance, resolution, order or vote (exceptions to this rule are outlined in Attachment 6).

Responsibility

The City Clerk is responsible for the minutes of the City Council and all its ordinances and resolutions as governed by the City Charter, Section 38 (Attachment 7).

Publication

The minutes are available on the City Clerk Website within three to four weeks after the Council meeting. The hard copy of the minutes is kept on file in the City Clerk's office and a draft is available within one week of the Council meeting.

Committee Meetings

Recording

Equipment & Staffing Requirements

The Committee Consultant Assistant records the meeting on CD-ROM using a laptop computer. Unlike the City Clerk's Legislative Recorders, who attend the City Council Meetings while recording the proceedings, the Committee Consultant Assistant records the Committee Meetings from her office.

Writing

The Committee Consultant is responsible for preparing the written actions (motion or action taken, motion maker, second to the motion and vote) on the Committee agenda, following the meeting. These actions are given to the Committee Consultant Assistant who will prepare the "Record of Actions" (Attachment 8) to be uploaded to the Committee's Website. Copies of the "Record of Action" are distributed with the agenda for the next scheduled meeting.

Voting

The voting practices mirror the Council meeting voting practices described above.

Responsibility

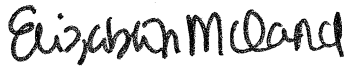
The Committee Consultant Assistant is responsible for keeping and distributing Council Committee minutes. She also responds to inquiries/requests for information from City employees and members of the public as they pertain to Committee meetings.

Publication

The "Record of Action" is emailed to City Employees and those on the Agenda Distribution List. Hard copies are provided to the Mayor and Council and mailed to outside organizations and members of the public.

Conclusion

The process for recording, writing, and voting on minutes for both City Council and Committee Meetings follows a path guided by the City's Municipal Code, Charter and Roberts Rules of Order. In both instances, however, it is the Clerk (or his designee) who maintains the minutes and makes them available to the public. This report has provided an outline as to what is involved. If there are any questions or comments, please feel free to contact me at 533-4080.



Elizabeth Maland
City Clerk

cc: City Attorney
City Manager

City Council Meeting Results

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Final**DATE: Tuesday, February 3, 2004 A.M.****RECORDER: Rogers**

ITEM NO.	ACTIONS	R	298840	Motion / Second	VOTE
		O	00000		
330	Trailed to PM (R-2004-000) Appeal by Arlen L. Shire/Condominium Conversion/Beyer Way				
331	Trailed to PM (R-2004-770) Report on Inclusionary Housing Ordinance and the Affordable/In-Fill Housing				
332a	Trailed to PM (O-2004-58 Cor. Copy) Amending the Muni Code/Condominium Conversion Regulations				
332b	Trailed to PM (O-2004-94 Cor. Copy 2) Amending the Muni Code/Inclusionary Affordable Housing				
S500	Adopted (R-2004-822) Status Report on Redevelopment Agency's Affordable Housing Program	R	298840	3/1	Unanimous; 8np
S501	Appointed with directions Appointing an acting City Auditor And Comptroller			6/8	Unanimous; all present
	QUIT	Q			

*COMMENTS

Non-Agenda Comment:

C-1: Don Stillwell commented on the importance of prayer at the Council meetings.

PC-2: Sandy Summers commented on evolution.

PC-3: Yolanda Gayton-Ruiz asked Council to adopt a resolution that requested the denial of parole to Danny Saul Rosales.

PC-4: Ron Boshun commented on Council's actions.

PC-5: Michelle Brazeau commented on the persecution of Falun Gaung practitioners.

PC-6: Dr. Art Salzberg commented on the Alpha project.

PC-7: Joyceline Tarr commented on the waste of the tax payers' dollars.

PC-8: Myra Herrmann commented on California's Archaeology Month.

City Council Meeting Results

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Final

DATE: Tuesday, February 3, 2004 A.M.

RECORDER: Rogers

Council Comment:

CC-1: Council Member Atkins announced that the North Park Spring Festival will be held on Sunday at 10:00 a.m.

Mayor Murphy recessed the meeting at 12:00 p.m.

CHAPTER XV OFFICERS; MINUTES AND OFFICERS' REPORTS / §48. MINUTES AND REPORTS OF OFFICERS

§48. MINUTES AND REPORTS OF OFFICERS

CHAPTER XV OFFICERS; MINUTES AND OFFICERS' REPORTS / §48. MINUTES AND REPORTS OF OFFICERS / Minutes

Minutes

The record of the proceedings of a deliberative assembly is usually called the *minutes*, or sometimes - particularly in legislative bodies - the *journal*. In an ordinary society, unless the minutes are to be published, they should contain mainly a record of what was *done* at the meeting, not what was *said* by the members. The minutes should never reflect the secretary's opinion, favorable or otherwise, on anything said or done. The minutes should be kept in a substantial book or binder.

CONTENT OF THE MINUTES. The *first paragraph* of the minutes should contain the following information (which need not, however, be divided into numbered or separated items directly corresponding to those below):

- [page 452] 1) the kind of meeting: regular, special, adjourned regular, or adjourned special;
- 2) the name of the society or assembly;
- 3) the date and time of the meeting, and the place, if it is not always the same;
- 4) the fact that the regular chairman and secretary were present or, in their absence, the names of the persons who substituted for them; and
- 5) whether the minutes of the previous meeting were read and approved-as read, or as corrected-and the date of that meeting if it was other than a regular business meeting. Any correction is made in the text of the minutes being approved; the minutes of the meeting making the correction merely state that the minutes were approved "as corrected" (see form, p. 454, l. 34-35).

The body of the minutes should contain a *separate paragraph for each subject matter*, giving, in the case of all important motions, the name of the mover, and should show:

- 6) all main motions (10) or motions to bring a main question again before the assembly (pp. 72-76; 34-37) - except, normally, any that were withdrawn*(1) - stating:
- a) the wording in which each motion was adopted or otherwise disposed of (with the facts as to whether the motion may have been debated or amended before [page 453] disposition being mentioned only parenthetically); and
- b) the disposition of the motion, including - if it was *temporarily* disposed of (pp. 88, 329-30) - any primary and secondary amendments and all adhering secondary motions that were then pending;
- 7) secondary motions that were not lost or withdrawn, in cases where it is necessary to record them for completeness or clarity-for example, motions to *Recess* or to *Fix the Time*

to *Which to Adjourn* (among the privileged motions), or motions to *Suspend the Rules* or grant a *Request to Be Excused from a Duty* (among the incidental motions), generally only alluding to the adoption of such motions, however, as "... the matter having been advanced in the agenda on motion of ..." or "... a ballot vote having been ordered, the tellers ...";

- 8) all notices of motions (pp. 116-18); and
- 9) all points of order and appeals, whether sustained or lost, together with the reasons given by the chair for his or her ruling.

The *last paragraph* should state:

- 10) the hour of adjournment.

Additional rules and practices relating to the content of the minutes are the following:

- The name of the seconder of a motion should not be entered in the minutes unless ordered by the assembly.
- When a count has been ordered or the vote is by ballot, the number of votes on each side should be entered; and when the voting is by roll call, the names of those voting on each side and those answering "Present" should be entered. If members fail to respond on a roll-call [page 454] vote, enough of their names should be recorded as present to reflect that a quorum was present at the time of the vote. If the chair voted, no special mention of this fact is made in the minutes.
- The proceedings of a committee of the whole, or a quasi committee of the whole, should not be entered in the minutes, but the fact that the assembly went into committee of the whole (or into quasi committee) and the committee report should be recorded (see 52).
- When a question is considered informally, the same information should be recorded as under the regular rules, since the only informality in the proceedings is in the debate.
- When a committee report is of great importance or should be recorded to show the legislative history of a measure, the assembly can order it "to be entered in the minutes," in which case the secretary copies it in full in the minutes.
- The name and subject of a guest speaker can be given, but no effort should be made to summarize his remarks.

THE SIGNATURE. Minutes should be signed by the secretary and can also be signed, if the assembly wishes, by the president. The words *Respectfully submitted* - although occasionally used - represent an older practice that is not essential in signing the minutes.

FORM OF THE MINUTES. The principles stated above are illustrated in the following model form for minutes:

The regular monthly meeting of the L.M. Society was held on Thursday, January 4, 20__, at 8:30 P.M., at the Society's building, the President being in the chair and the Secretary being present. The minutes of the last meeting were read and approved as corrected.

[page 455] The Treasurer reported the receipt of a bill from the Downs Construction Company in the amount of \$5,000 for the improvements recently made in the Society's building. The question put by the chair "that the bill be paid" was adopted.

Mr. Johnson, reporting on behalf of the Membership Committee, moved "that John R. Brown be

admitted to membership in the Society." The motion was adopted after debate.

The report of the Program Committee was received and placed on file.

The special committee that was appointed to investigate and report on suitable parking facilities near the Society's building reported, through its chairman, Mrs. Smith, a resolution, which, after debate and amendment, was adopted as follows: "*Resolved*, That . . . [its exact words immediately before being acted upon, incorporating all amendments]."

The resolution relating to the use of the Society's library by nonmembers, which was postponed from the last meeting, was then taken up. This motion and a pending amendment were laid on the table after the chair announced that the guest speaker had received a phone message which would require his early departure.

The President introduced the guest speaker, Mr. James F. Mitchell, whose subject was

At the conclusion of Mr. Mitchell's talk, the resolution relating to the use of the Society's library by nonmembers was taken from the table. After amendment and further debate, the resolution was adopted as follows: "*Resolved*, That . . . [its exact wording immediately before being finally voted on]."

Mr. Gordon moved "that the Society undertake the establishment of a summer camp for boys on its lakefront property." Mrs. Thomas moved to amend [page 456] this motion by inserting the word "underprivileged" before "boys." On motion of Mr. Dorsey, the motion to establish the camp, with the pending amendment, was referred to a committee of three to be appointed by the chair with instructions to report at the next meeting. The chair appointed Messrs. Flynn, Dorsey, and Fine to the committee.

The meeting adjourned at 10:05 P.M.

Margaret Duffy, Secretary

Endnotes

1 (Popup - Popup)

*There may be certain instances in which a main motion is withdrawn under circumstances that require some mention in the minutes. In such a case, only as much information should be included in the minutes as is needed to reflect the necessary details clearly. For example, if, at one meeting, a main motion was made *the* special order for the next meeting (**pp. 359-60**), or a main motion was postponed after lengthy consideration to a meeting at which it was withdrawn by consent, action at the first meeting should always be recorded, and the withdrawal at the second meeting should be stated for completeness of the minutes.

CITY CLERK ROUTE SLIP

City of San Diego, California

TO: CITY MANAGER**FROM:**
PHONE:
DATE:

Item No. __ from the Council Docket of

Subject:

COUNCIL DIRECTIVE: Motion/Directive by:

NOTE: Docketing, Redocketing, Resolutions, or Ordinances may require a CM-1472 Request for Council Action Form. Please consult with the City Manager Council Liaison or the City Attorney.

_____ Due by as stated by Council. ***SEE REQUIRED RESPONSE DATE BELOW.**

 X A four week suspense date of _____ has been set as no due date was specified by Council. If anticipated response date is other than date set, please contact Deputy Clerk.

FILE LOCATION: MEET

ADDRESSEE'S ACTION: Prepared by _____ Date _____

***Note:** If necessary, all material must be received in the Clerk's Office by Wednesday at 2:00 p.m. two weeks prior to Council Meeting Date.

**CHAPTER XI QUORUM; ORDER OF BUSINESS AND RELATED CONCEPTS / §41.
ORDER OF BUSINESS; ORDERS OF THE DAY; AGENDA OR PROGRAM / Usual
Order of Business in Ordinary Societies**

1. *Reading and Approval of Minutes.* The chair says, "The Secretary will read the minutes." In all but the smallest meetings, the minutes are read by the secretary standing. In organizations where copies of the minutes of each previous meeting as prepared by the secretary are sent to all members in advance, the actual reading of them aloud may be waived if no member objects. In either case, the chair then asks, "Are there any corrections to the minutes?" and pauses. Corrections, when proposed, are usually handled by unanimous consent (pp. 51-53). It is generally smoother to do the approval of minutes also by unanimous consent, although a formal motion to approve them is not out of order. Such a motion is normally unnecessary unless, for example, there has been a dispute over the accuracy or propriety of something in the minutes. Whether or not a motion for approval has been offered, the chair may simply say, "If there are no corrections [or "no further corrections"], the minutes stand [or "are"] approved [or "approved as read," or "approved as corrected"]." The actual correction is made in the text of the minutes being approved, and the minutes of the meeting making the correction merely state that a correction was made to the minutes of the prior meeting, without specifying what the correction was. If for any reason there are minutes of other meetings in addition to the last meeting that have not been read previously, they are taken in the order of date.

[page 344] The practice of sending to all members advance copies of the minutes as drafted by the secretary has both advantages and disadvantages. It is natural for the members to prefer to study the minutes beforehand to be better prepared to offer corrections; and this procedure generally saves time when the minutes come up for approval. On the other hand, the minutes do not become *the* minutes and assume their essential status as the official record of the proceedings of the society until they have been approved; and before this happens, the secretary's draft may be materially modified in the correction process. Members may miss some of the corrections or neglect to mark them on their copies - or may not get them right unless the chair repeats them very carefully - with the result that many inaccurate copies of the true minutes as finally approved are likely to remain in existence. Only the secretary's corrected copy or a retyping of it is official in such a case. (For "dispensing" with the reading of the minutes, see pp. 456-57.)

2. *Reports of Officers, Boards, and Standing Committees.* In most societies it is customary to hear reports from all officers (47, 48), boards (49), and standing committees (50) only at annual meetings. At other meetings the chair calls only on those who have reports to make, as by saying (in calling upon the secretary), "Is there any correspondence?" Or, "May we have the Treasurer's report." Or, "The chair recognizes Mr. Downey, Chairman of the Membership Committee, for a report." If the chair is uncertain, he may ask, for example, "Does the Program Committee have a report?" *Standing committees* listed in the bylaws are called upon in the order in which they are listed.

If an officer, in reporting, makes a recommendation, he should not himself move its implementation, but such a motion can be made by another member as soon as the officer has concluded his report. In the case of a committee report, on the other hand, the chairman or other reporting member should make any motion(s) necessary to bring the [page 345] committee's recommendations before the assembly for consideration. A motion arising out of an officer's, a board's, or a committee's report is taken up immediately, since the object of the order of business is to give priority to the classes of business in the order listed.

If an item of business in this class is on the table (that is, if it was laid on the table at the present session, or at the preceding session if no more than a quarterly time interval has intervened [see p. 88], and if the item has not been taken from the table), it is in order to move to take such business from the

table under this heading (see 17, 34).

(For procedures to be followed in making reports and in handling recommendations arising from reports, see 51.)

(Amendment voted 11-04-1975; effective 12-01-1975.)
(Amendment voted 11-06-1979; effective 12-17-1979.)
(Amendment voted 11-08-1988; effective 04-03-1989.)
(Amendment voted 11-06-1990; effective 02-19-1991.)
(Amendment voted 06-02-1992; effective 07-13-1992.)
(Amendment voted 11-03-1992; effective 12-18-1992.)
(Amendment voted 06-07-1994; effective 08-18-1994.)

SECTION 12.1 COUNCILMANIC SALARIES.

On or before February 15 of every even year, the Salary Setting Commission shall recommend to the Council the enactment of an ordinance establishing the salary of members of the Council for the period commencing July 1 of that even year and ending two years thereafter. The Council may adopt the salaries by ordinance as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. The ordinance shall be subject to the referendum provisions of this Charter and upon the filing of a sufficient petition, the ordinance shall not become effective and shall be repealed by the Council or shall forthwith be submitted to a vote of the people at the next general statewide election.

(Addition voted 11-06-1973; effective 12-07-1973.)

SECTION 13. MEETINGS OF THE COUNCIL

The Council shall provide by ordinance for the time and place of holding its meetings; provided, however, that there shall be at least one regular meeting in each week. Any regular meeting may be adjourned to a date and hour certain, and such adjourned meeting shall be a regular meeting for all purposes. All legislative sessions of the Council, whether regular or special shall be open to the public.

All legislative action shall be by ordinance except where otherwise required by the Constitution or laws of the State of California. The Council shall keep a journal of its proceedings which shall be a public record. On the passage of every ordinance the vote shall be taken by yeas and nays and entered upon the journal and no ordinance shall be passed without concurrence of a majority of the members elected to the Council. The proceedings of the Council shall be public and citizens shall have a reasonable opportunity to be heard. The first meeting of the Council shall be held at ten o'clock A.M. on the first Monday after the first day in December following its election.

All subsequent meetings shall be held pursuant to adjournment, or in accordance with a rule adopted by the Council which may be amended at any time. Special meetings shall be held on the call of the Mayor or on the written request of any three Councilmen, upon

twelve hours' notice to each member, to be served personally by written notice; provided, however, that such notice may be waived by the written consent of all the Councilmen.

(Amendment voted 11-06-1962; effective 01-21-1963.)

SECTION 14. COUNCIL RULES.

The Council shall be the judge of the election and qualification of its members, and in such cases, shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the Council in any such case shall be subject to review by the courts. The Council shall determine its own rules and order of business. It shall have power to compel the attendance of absent members, and may punish its members for disorderly behavior after notification of the charge and opportunity to be heard in defense.

SECTION 15. QUORUM.

A majority of the members elected to the Council shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Except as otherwise provided herein the affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or in which his own personal interests are involved.

SECTION 16. INTRODUCTION AND PASSAGE OF ORDINANCES AND RESOLUTIONS.

Ordinances shall be introduced in the Council only in written or printed form. All ordinances, except annual appropriation ordinances and ordinances codifying or rearranging existing ordinances, shall be confined to one subject, and the subject or subjects of all ordinances shall be clearly expressed in the title. Ordinances making the annual tax levy, the annual appropriation ordinance, any ordinance calling or relating to elections, ordinances recommended by the City Manager or other independent department heads transferring or appropriating moneys already appropriated by the annual appropriation ordinance, ordinances establishing or changing the grade of a public highway, and emergency ordinances as defined by Section 17 of this Charter, may be passed

ITEMS REQUIRING 6 (2/3) VOTES AT COUNCIL

Municipal Code

- Extend time of adjournment of Council meeting by the Chair or by 2/3 vote of the Council. (Permanent Rules of the Council, Section 22.1010. Rule 1 (c).
- Requests for Reconsideration – waiving Permanent Rules of Council when Council Policy 000-6 applies. (Section 22.0101, Rule 4 (b) (1).
- Temporarily Suspend the Permanent Rules of the Council for matters under immediate consideration . (Section 22.0101, Rule 32)
- Non-Agenda Items – Determination by 2/3 vote that the need to take action arose after the agenda was posted. (Rule 30.2)
- Airport Environs Overlay Zone - City Council override of City Manager's determination of non-compliance with adopted Comprehensive Land Use plan. (Section 132.0310)

City Charter

- Entering into multiple year memorandums of understanding with recognized employee organizations concerning hours, wages, terms of employment. (Section 11.2)
- Adoption of Emergency Ordinances (Section 17)
- Ordinance creating, combining, abolishing, or decreasing the powers of any City department, division, or board (Section 26)
- Council resolution to issue revenue bonds to enhance or improve water works without recommendation of City Manager. (Section 90.1. Sub. 4, Section b.)
- Ordinance to call the election for issuance of revenue bonds for water works without recommendation of City Manager (Section 90.1, Sub. 4, Section b)
- General Fund Reserve – expenditure of reserve in event of public emergency (Section 91.)
- Enter into contract without advertising or receiving bids in case of great public calamity (Section. 94)
- Continuing contracts for more than five years (Section 99)
- Grant of franchises (Section 103)

California Government Code

- Eminent Domain, condemnation actions (Section 66540.38)

plies, materials, equipment and insurance required by said City falls within a dollar range also established by ordinance of the City Council, the said purchase may be made by said Purchasing Agent without advertising for sealed proposals, but not until said Purchasing Agent has secured competitive prices from merchants or other persons interested in making the sale to said City and not until the Purchasing Agent has been authorized by the Council to make such purchase. Purchases of supplies, materials, equipment and insurance required by the various Departments or offices of the City which do not exceed in cost a sum established by ordinance of the City Council may be made by the Purchasing Agent directly upon the request of the department interested.

The Council shall by ordinance provide for the sale, exchange or other disposal by the Purchasing Agent of any surplus, used, obsolete or depreciated personal property belonging to the City.

The Council by resolution may order the purchase without advertising for bids of surplus commodities from the United States of America, or any agency thereof, or from any other public corporation, state or municipal, or any agency thereof. The Council may authorize the Purchasing Agent to participate in joint and cooperative purchasing with any other public corporation, state or municipal, or agencies thereof. The Council may also authorize said Purchasing Agent to sell to any other public corporation, state or municipal, any supplies, material and equipment which said City may have been able to purchase in quantity at a reduced price.

Supplies shall be furnished upon requisition either from the stores under the control of the Purchasing Agent or by purchase, and whenever so purchased shall be paid for by the Department or office furnished therewith. It shall be the duty of the Purchasing Agent to inspect or cause to be inspected all purchases, and reject any of those which are not up to the standard specifications provided therefor, and he shall not approve any bid or voucher for articles which are not in conformity with specifications, or which are at variance with any contract. The Purchasing Agent shall not furnish supplies to any Department or office unless there be to the credit thereof an available unencumbered balance sufficient to pay for such supplies.

Materials, supplies or equipment not needed by a Department or office, but necessary to another Department or office, may be transferred by the Purchasing Agent and a proper record made of the transaction. He shall have charge of such storerooms and warehouses of the City as the Manager may provide or the Council by ordinance may authorize. The Council may, upon recommendation of the Manager, authorize the Purchasing Agent to purchase materials, supplies, or equipment in common use by the

Departments and offices in large quantities and store the same until requisitioned by the Departments or offices for use. The Council shall provide a sufficient revolving fund in the annual appropriation ordinance of an adequate amount for the purpose of creating a store's account and stock for future supply of the Departments and offices when needed.

The Purchasing Agent shall keep a record of all sources of supply, of all quotations received, of all awards made, of all inspections, of all requisitions filed, and of all vendors furnishing commodities to the City. He shall perform such other duties as may be prescribed by general law or ordinance or by the Manager.

(Amendment voted 03-10-1953; effective 04-20-1953.)

(Amendment voted 11-04-1958; effective 02-19-1959.)

(Amendment voted 11-04-1975; effective 12-1-1975.)

SECTION 36. CITY ENGINEER.

(Repeal voted 09-17-1963; effective 02-11-1964.)

SECTION 37. PERSONNEL DIRECTOR.

The Personnel Director shall be appointed by the Civil Service Commission and shall have all powers and perform all duties prescribed for such Personnel Director in Section 116 of Article VIII. In addition thereto he shall exercise general supervision over the employment policy of the City, subject to the Civil Service provisions of this Charter and the directions of the Civil Service Commission. He shall keep a record of the personnel conditions in the City service and shall, upon the request of the Manager or of the Civil Service Commission, or on his own initiative, investigate problems relating to the securing of a better class of applicants for positions, and to the maintenance of efficiency among City Employees, and to any and all other matters relating to this department as may properly come before him.

The Personnel Director, with the approval of the Civil Service Commission and the Manager shall have jurisdiction to investigate working conditions of City service as they affect the health, welfare, efficiency, service and esprit de corps of the employees. He shall be accessible to any employee who shall desire to complain of any matter incident to his employment.

SECTION 38. CITY CLERK.

The City Clerk shall be elected by the Council for an indefinite term and shall serve until his successor has been elected and qualified. He shall maintain all official records of the City, the custody of which is not

provided for in this Charter or by ordinances of the City, including the journal of all proceedings of the Council and all its ordinances and resolutions.

(Amendment voted 09-17-1963; effective 02-11-1964.)

SECTION 38.1. MICROFILMING OF RECORDS.

(Addition voted 04-19-1949; effective 05-20-1949.)

(Repeal voted 11-04-1958; effective 02-19-1959.)

SECTION 39. CITY AUDITOR AND COMPTROLLER.

The City Auditor and Comptroller shall be elected by the Council for an indefinite term and shall serve until his successor is elected and qualified. The City Auditor and Comptroller shall be the chief fiscal officer of the City. He shall exercise supervision over all accounts, and accounts shall be kept showing the financial transactions of all Departments of the City upon forms prescribed by him and approved by the City Manager and the Council. He shall submit to the City Manager and to the Council at least monthly a summary statement of revenues and expenses for the preceding accounting period, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each Department, Division and office thereof. No contract, agreement, or other obligation for the expenditure of public funds shall be entered into by any officer of the City and no such contract shall be valid unless the Auditor and Comptroller shall certify in writing that there has been made an appropriation to cover the expenditure and that there remains a sufficient balance to meet the demand thereof. He shall perform the duties imposed upon City Auditors and Comptrollers by the laws of the State of California, and such other duties as may be imposed upon him by ordinances of the Council, but nothing shall prevent the Council from transferring to other officers matters in charge of the City Auditor and Comptroller which do not relate directly to the finances of the City. He shall prepare and submit to the City Manager such information as shall be required by the City Manager for the preparation of an annual budget. He shall appoint his subordinates subject to the Civil Service provisions of this Charter.

(Amendment voted 06-04-1974; effective 08-13-1974.)

SECTION 40: CITY ATTORNEY

At the municipal primary and general election in 1977, a City Attorney shall be elected by the people for a term of seven (7) years. A City Attorney shall thereafter be elected for a term of four (4) years in the

manner prescribed by Section 10 of this Charter.

Notwithstanding any other provision of this Charter and commencing with elections held in 1992, no person shall serve more than two (2) consecutive four-year terms as City Attorney. If for any reason a person serves a partial term as City Attorney in excess of two (2) years, that partial term shall be considered a full term for purposes of this term limit provision. Persons holding the office of City Attorney prior to the November 1992 election shall not have prior or current terms be counted for the purpose of applying this term limit provision to future elections.

The City Attorney shall be the chief legal adviser of, and attorney for the City and all Departments and offices thereof in matters relating to their official powers and duties, except in the case of the Ethics Commission, which shall have its own legal counsel independent of the City Attorney. The attorney and his or her deputies shall devote their full time to the duties of the office and shall not engage in private legal practice during the term for which they are employed by the City, except to carry to a conclusion any matters for which they have been retained prior to taking office.

The City Attorney shall appoint such deputies, assistants, and employees to serve him or her, as may be provided by ordinance of the Council, but all appointments of subordinates other than deputies and assistants shall be subject to the Civil Service provisions of this Charter.

It shall be the City Attorney's duty, either personally or by such assistants as he or she may designate, to perform all services incident to the legal department; to give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any department, but all such advice shall be in writing with the citation of authorities in support of the conclusions expressed in said written opinions; to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of the City Attorney by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned, and to endorse on each approval of the form or correctness thereof; to preserve in the City Attorney's office a docket of all cases in which the City is interested in any of the courts and keep a record of all proceedings of said cases; to preserve in the City Attorney's office copies of all written opinions he or she has furnished to the Council, Manager, Commission, or any officer. Such docket, copies and papers shall be the property of the City, and the City Attorney shall, on retiring from office, deliver the same, together with all books, accounts, vouchers, and necessary information, to his or her successor in office.

**THE COMMITTEE ON PUBLIC SAFETY AND NEIGHBORHOOD SERVICES
OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO**

**ACTIONS FOR
WEDNESDAY, SEPTEMBER 7, 2005, AT 2:00 P.M.**

**COUNCIL COMMITTEE ROOM (12TH FLOOR), CITY ADMINISTRATION
BUILDING
202 C STREET, SAN DIEGO, CALIFORNIA**

For information, contact Dan Coffey, Council Committee Consultant
202 C Street, 3rd Floor, San Diego, CA 92101
Email: dcoffer@sanidiego.gov
619-533-3980

COUNCIL COMMENT:

ACTION: None received.

NON-AGENDA PUBLIC COMMENT: Comments by Jay Powell, Andrea Groves, Delfina L. Wooley, Ana Covarnibias, and Maria Cortez regarding Safe Routes to School standards at new and rebuilt schools in City Heights. The Committee referred this item to the City Manager with direction that a status and progress report be provided to the Committee at the October 12, 2005, PS&NS meeting.

ADOPTION AGENDA

ITEM-1: Informational report from the City Manager on the 2005 MID-YEAR CRIME INDEX.

(See CMR 05-175)

ACTION: Accept the report.

VOTE: 3-0; Madaffer-yea, Atkins-yea, Young-yea

ITEM-2: Report from the City Manager regarding POLICE HELICOPTER LEASE PURCHASE PLAN.

(See CMR 05-180)

ACTION: Motion by Councilmember Young, second by Deputy Mayor

ACTIONS
Committee on Public Safety & Neighborhood Services
September 7, 2005

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Atkins to approve the City Manager's recommendations.

VOTE: 3-0; Madaffer-yea, Atkins-yea, Young-yea

Jim Madaffer
Chair